

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Kenneth H. Hart

v.

No. 11-cv-002-JD

New Hampshire State Prison

REPORT AND RECOMMENDATION

Kenneth Hart filed this action complaining of various violations of his constitutional rights, arising mostly out of the alleged denial of access to, and lack of privacy in, Hart's legal paperwork.¹ On January 4, 2011, Hart was directed to either pay the filing fee in this matter, or file a motion to proceed in forma pauperis,² within sixty days of that date, which was March 3, 2011.

Hart has neither filed a request for in forma pauperis status nor paid the filing fee in this matter. Accordingly, I recommend dismissal of this action, without prejudice. I also

¹Hart initially brought this matter as a habeas corpus petition. The court found, however, that given the relief requested, the pleading was more appropriately considered as a complaint in a civil rights action, and directed that the document be redocketed accordingly. See Hart v. N.H. State Prison, No. 10-cv-428-JL (Report and Recommendation Nov. 15, 2010).

²Hart was directed that his request to proceed in forma pauperis should also include a financial declaration and certificate of custodial institution.

recommend that all of the pending motions in this action (doc nos. 8-12) be denied as moot.

Any objections to this Report and Recommendation must be filed within fourteen (14) days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's order. See Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010); United States v. Lugo Guerrero, 524 F.3d 5, 14 (1st Cir. 2008).



Landya B. McCafferty
United States Magistrate Judge

Date: March 21, 2011

cc: Kenneth Hart, pro se

LBM:jba